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In re Application of	:	OFFICE OF PETITIONS
Bain et al.	:	
Application No. 10/674,684	:	
Filed: September 29, 2003	:	ON PETITION
Attorney Docket Number:	:	
554792000401	:	

This is a decision on the Petition Under 37 CFR 1.53(e) to Show Receipt of Item(s) in Response to [] Notice of Omitted Item(s) of 8/16/04, filed September 10, 2004, requesting the above-identified application be accorded a filing date of September 29, 2003, including pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification.

The petition is granted.

The application was filed on September 29, 2003. However, on August 16, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, noting that the application had been accorded a filing date; however, pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification appeared to have been omitted from the application.

In response, Petitioner files the instant petition wherein Petitioner avers that pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification were included among 159 pages of Specification, Claims and Abstract filed initially, on September 29, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 67 pages of Specification, Claims and Abstract, filed on March 29, 2004.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 159 pages of Specification by this Office on September 29, 2003. Petitioner

has also re-submitted pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification, with the instant petition.

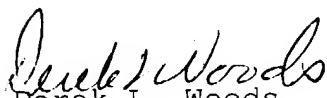
Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted. The copy of pages pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification, supplied with the instant petition on September 10, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 03-1952 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of September 29, 2003, and an indication that pages 53, 59, 61, 63, 64, 79, 91, 102, and 132 of the specification, were included among 159 pages of Specification that were present on filing on September 29, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney Advisor
Office of Petitions